

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket No. _____

**STIPULATION WITHDRAWING PETITION FOR REVIEW FROM ACTIVE
CONSIDERATION, WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel for the parties hereby stipulate that the above-captioned petition for review is hereby withdrawn without costs and without attorneys' fees and **without prejudice**, subject to reactivation of this petition for review by petitioner's counsel by written notice to the Clerk of this Court, and serving such notice upon the undersigned United States Attorney, on or before 30 days after an event OR by (enter date certain mm/dd/yy) whichever comes first.

If not thus reactivated, the appeal shall be deemed withdrawn with prejudice. (See Hertzner v. Henderson, 292 F.3d 302(2d Cir. 2002).

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under F.R.A.P 42(b).

Dated:

Attorney for Petitioner

Dated:

Attorney for Respondent

Counsel: Please print name and
firm under signature